United Nations ECE/MP.EIA/SEA/2014/L.1

Economic and Social Council

Distr.: Limited
11 March 2014

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session
Geneva, 2–5 June 2014
Items 3 (b) and 11 (b) of the provisional agenda

Outstanding issues: draft decisions by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Adoption of decisions: decisions to be taken by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Draft decisions by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Summary

The draft decisions contained in the present document were prepared by the Bureau of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on the basis of the text agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 10–15 November 2013).

The format for notification under article 10 of the Protocol annexed to draft decision III/7 was initially prepared by the secretariat with support from an editorial group comprising Austria and Germany, and approved by the Working Group at its first meeting (Geneva, 24–26 April 2012).

The Meeting of the Parties is expected to review the draft decisions and agree on their adoption.

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Draft decision II/1

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its second session*]

Reporting and the review of implementation of the Protocol

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling decision I/7–V/7 of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on reporting and the review of implementation,

Also recalling article 14, paragraph 4, of the Protocol, concerning the regular review of the implementation of the Protocol,

Further recalling article 14, paragraph 7, of the Protocol, on reporting by Parties on measures they have taken to implement the Protocol,

Additionally recalling article 13, paragraph 4, of the Protocol, concerning reporting by Parties on their application of article 13 on policies and legislation,

Recognizing that regular reporting by each Party provides important information that facilitates the review of compliance under the Protocol and thereby contributes to the work of the Implementation Committee,

Recognizing also that the report of each Party provides useful information to other countries within and beyond the United Nations Economic Commission for Europe region that facilitates their efforts to implement and accede to the Protocol,

Having analysed the reports provided by Parties in response to the questionnaire for the reporting system,

Expressing concern that the following States Parties that were Parties to the Protocol during the period under review have not yet responded to the questionnaire: Luxembourg, Montenegro and Portugal,

Strongly emphasizing the importance of the timely submission of reports,

1. *Welcomes* the reports by Parties on their implementation, which have been made available on the website of the Convention;

2. *Adopts* the First Review of Implementation of the Protocol as contained in document ECE/MP.EIA/SEA/2014/3, and requests the secretariat to arrange its publication in an appropriate form;

3. *Notes* the findings of the First Review of Implementation of the Protocol, including the following possible weaknesses or shortcomings and areas for further improvement in the Protocol's implementation by Parties:

(a) A frequent lack of definition and different understanding of several key terms used in the Protocol, such as "plans and programmes", "environmental, including health, effects", "small areas at local level", "minor modifications", "significant effects" and "reasonable alternatives";

(b) Difficulties related to the identification of plans and programmes that are within the field of application under article 4;

(c) Difficulties related to the determination of the contents and the level of detail of the environmental report, according to article 7 (para. 2 (b));

(d) Some confusion as to the contents of the final decision (art. 11), and in particular with respect to whether it should contain requirements relating to monitoring;

(e) A possible need to clarify the scope and practical application of monitoring, according to article 12;

(f) The need for bilateral agreements or other arrangements to facilitate transboundary consultations between Parties, in particular to address language-related issues, time frames, public participation and the interpretation of various terms;

(g) A continuing need to improve awareness and capacity in the implementation of the Protocol, including to clarify responsibilities of the authorities involved, e.g., with respect to consultations and public participation;

(h) A frequent lack of a central registry or database of national strategic environmental assessment (SEA) procedures, which made reporting on SEAs by sector difficult.

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the First Review of Implementation, and requests the Implementation Committee to take these into account in its work;

5. *Urges* Luxembourg, Montenegro and Portugal to provide the overdue responses to the questionnaire, and requests the secretariat to make them available on the Convention website;

6. *Requests* the Implementation Committee to simplify, where appropriate, the current questionnaire to provide a modified version of the questionnaire on the implementation of the Protocol during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter;

7. *Further requests* the Implementation Committee to take into account the suggestions provided by Parties for improving the questionnaire and the report;

8. *Decides* that Parties to the Protocol shall complete the questionnaire as a report on their implementation of the Protocol during the period 2013–2015, taking note of the obligations to report arising from article 14, paragraph 7, and article 13, paragraph 4, of the Protocol;

9. *Urges* Parties to report by the deadline to be agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

10. *Requests* the secretariat to post the lists of domestic and transboundary SEA cases included in the answers to the questionnaire on the website of the Convention, unless the responding Party does not agree;

11. *Further decides* that a draft review of implementation of the Protocol during the period 2013–2015 based on the reports by Parties will be presented at the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, and that the workplan shall reflect the elements required to prepare the draft review;

12. *Also requests* the secretariat to post the review of implementation of the Protocol and national reports on the website of the Convention in the languages in which they are available.

Decision II/6

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its second session*]

Aligning the authentic language versions of the Protocol on Strategic Environmental Assessment

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Aware that discrepancies between the three authentic language versions of the Protocol on Strategic Environmental Assessment have been identified in the course of the implementation of the Protocol,

Concerned that such discrepancies might lead to different interpretations and inconsistencies in the application of the Protocol by its Parties,

Determined to ensure the full alignment of the three authentic texts of the Protocol,

1. *Invites* the secretariat to arrange for a review of the text of the three authentic language versions of the Protocol by the United Nations, which would list all the inconsistencies;

2. *Establishes* an ad hoc task force with a mandate:

(a) To consider the possible inconsistencies,

(b) To determine whether each possible inconsistency merely reflects technical errors or may raise issues of interpretation;

(c) To elaborate proposals for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on how to address such inconsistencies;

3. *Decides* that the task force should work electronically and deliver its proposals for consideration to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment by 2016;

4. *Requests* that, based on the findings of the task force, the Working Group suggest appropriate ways for addressing the identified inconsistencies by end of 2016.

Draft decision II/7

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its second session*]

Format for notification under the Protocol

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling article 10 of the Protocol,

Also recalling its decision I/2 on points of contact, format for notification and focal points and decision V/9–I/9 of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on the adoption of the workplan,

Having considered the draft format for notification under article 10 of the Protocol, prepared by the secretariat with the support of an editorial group comprising Austria and Germany,

1. *Adopts* the format for notification set out in the annex to this decision;

2. *Recommends* Parties to use the format to the extent possible when transmitting a notification according to article 10 of the Protocol.

Annex
Format for notification under article 10 of the Protocol on Strategic Environmental Assessment

I. Background

1. At its first session, the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment invited the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment to prepare a revised format for notification according to article 10 of the Protocol, to be presented at the second session of the Meeting of the Parties to the Protocol (ECE/MP.EIA/SEA/2, decision I/2, para. 2). This document has therefore been prepared by the secretariat, with the support of an editorial group comprising Austria and Germany, as indicated in the workplan for the Convention and the Protocol (see ibid., decision I/9 and V/9). The document was approved by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its first meeting (Geneva, 23–26 April 2012).

2. This document describes the legal requirements for notification and transboundary consultations as set out in article 10 of the Protocol, provides general principles regarding the level of information needed for notification and includes a basic example format for notification.

II. Legal requirements for transboundary consultations

3. Article 10 of the Protocol sets out the requirements for transboundary consultations. It defines whether notification is needed (para. 1), what it should contain (para. 2), the procedure for entering into consultations (para. 3) and necessary arrangements for consultations (para. 4).

4. According to paragraph 1 of the Protocol, notification is required when the implementation of a plan or programme is likely to have significant transboundary environmental effects. The Party of origin shall notify when it considers that that plan or programme is likely to have significant transboundary effects, but also the Party likely to be significantly affected can request to be notified. The notification shall be as early as possible before the adoption of the plan or programme.

5. Paragraph 2 defines what the notification shall contain. The notification shall include, inter alia, the draft plan or programme and the environmental report, including information on its possible environmental, including health, effects; and information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments. But this is not an exhaustive list; it may also be advisable to submit other relevant information, such as public information materials, possible background documents or a request for information on the environment of the potentially affected area.

6. Paragraph 3 requires the affected Party to indicate whether it wishes to enter into consultations with the Party of origin. If the affected Party so wishes, the Parties shall enter into consultations concerning the likely transboundary environmental effects and measures envisaged to prevent, reduce or mitigate adverse effects.

7. Paragraph 4 specifies the obligation to agree on detailed arrangements to ensure that the authorities and the public concerned of the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report.

8. Bearing in mind that the notification shall, according to paragraph 1, take place as early as possible, a Party of origin should consider notifying an affected Party already during the procedure specified in article 6 (scoping) for the determination of the relevant information to be included in the environmental report. If notification already takes place during this scoping phase, the documents required under paragraph 2 (a) of article 10 should be submitted as soon as they have been completed.

III. Level of information required

9. The specific information necessary for the notification may vary between plans and programmes as well as depending on the scope, extent and foreseen effects of the plan or programme in question. Thus article 10 of the Protocol sets only a general framework for defining the necessary information.

10. As the notification is to be prepared by the designated authority in the country where the plan or programme is prepared, this authority has to define in detail what information is to be included in the notification form in order to fulfil the requirements of article 10, paragraph 2. This may be done on a case-by-case basis or defined in legislation or guidance. Parties might also agree bilaterally always to provide some standard information for certain types of plan and programme. Regardless of the approach chosen, the Party of origin should ensure, when deciding on what information is necessary, that it will be sufficient at least for:

(a) The affected Party to make a decision on its participation in the transboundary consultations procedure;

(b) The public and authorities in the potentially affected Party to participate in the procedure and to provide comments;

(c) The affected Party to understand the information needed from it to assist in the assessment of transboundary environmental, including health, effects.

IV. Sample format for notification

11. Notification can be made in the form of a letter, table or combination of these two. This document provides below an example of a table form for notification. It covers the main information requirements of a notification, but does not aim to be exhaustive and thus should be modified to suit a specific plan or programme. The form may also serve as a checklist for preparing a notification in a letter form. If used alone, the table will nonetheless likely need to be accompanied by a cover note identifying the addressee and the purpose of the communication.

12. The authorities preparing the notification may also wish to review the format for notification for the Convention (ECE/MP.EIA/2, annex IV, decision I/4) for additional information on notification.

Notification of an affected Party of a proposed plan or programme under article 10 of the Protocol on Strategic Environmental Assessment

Description of information to be included	*Information*
General information on the plan or programme	
Name of the plan or programme	
Type and sector of plan or programme (e.g., local land-use plan, national energy strategy)	
Territorial coverage (e.g., regional, national)	
Main content and purpose of the plan or programme (e.g., framework setting for projects, determination of use of land) and its links with other plans or programmes	
Whether the plan or programme is binding	Binding Not binding
Submitted documents	
Draft plan or programme	Enclosed Not enclosed (in which case, date by it will be transmitted)
Environmental Report	Enclosed Not enclosed (in which case, date by it will be transmitted)
Other documents (with description)	

Description of information to be included	*Information*
Languages into which documents are or will be translated	
Description of the decision-making procedure and of the strategic environmental assessment (SEA) procedure in the Party of origin	
Description of the phases of the planning procedure	
Legal basis for the planning procedure (quoting the regulation or other legal basis)	
Description of the phases of the SEA procedure, including participation of the affected Party	
Legal basis for the SEA procedure (quoting the regulation or other legal basis)	
Present phase of the planning procedure and of the SEA procedure	
Time schedule of the foreseen continuation of the planning procedure and of the SEA procedure	
Process and timing of the possible adoption of the plan or programme	
Information on the public participation process in the Party of origin	
Opportunities for the public to participate:	
• Start and end dates for the public to provide comments on the environmental report and draft plan or programme	
• How the public is informed of the public participation process	
• Whether a public hearing is organized and, if so, when	Yes (in which case, the date of the hearing) No
• How the public is informed of the adoption of the plan or programme and how the information specified in article 11, paragraph 2, is made available	
Expected time schedule for transmittal of comments and questions by the public of the affected Party on the draft plan or programme and on the full environmental report	
Involved authorities in the Party of origin	
Authority responsible for the planning procedure	
Authority/institution responsible for the adoption of the plan or programme	
Authority responsible for the SEA procedure	

Description of information to be included	*Information*
Authority/institution responsible for the SEA decision (if applicable)	
Affected Parties	
List of Parties to which notification has been sent	
Point of contact for the transboundary procedure	
Authority responsible for coordinating activities relating to the transboundary SEA procedure: name, address, e-mail, telephone and fax numbers	
Deadlines for response to the notification	
Deadline for responding to indicate whether the affected Party wishes to participate	
Deadline for transmission of comments on the draft plan or programme and the full environmental report by authorities of the affected Party (if different from above)	
Means of communication	
Means by which letters from the Party of origin are sent (e.g., e-mail, fax, post, via embassy)	
Means by which affected Parties are asked to send their letters	

Draft decision II/8

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its second session*]

Good practice recommendations on public participation in strategic environmental assessment

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling its decision I/4 on public participation in strategic decision-making, and decision V/9–I/9 of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on the adoption of the workplan,

Recalling also decisions II/3 and III/8 of the Meeting of the Parties to the Convention on the guidance on public participation in environmental impact assessment in a transboundary context,

Convinced that public participation forms an essential part of strategic environmental assessment,

Noting that for many Parties, the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) contributes to the strengthening of public participation in their implementation of the Protocol on Strategic Environmental Assessment,

Aware of the recommendations on promoting effective public participation in environmental decision-making prepared under the Aarhus Convention (ECE/MP.PP/2014/8),

Having considered the outcome of the workshop on public participation in strategic decision-making organized jointly with the task force on public participation under the Aarhus Convention (Geneva, 29–30 October 2012) in accordance with the Protocol and with article 7 of the Aarhus Convention,

Aware of the benefits of synergies and continuous cooperation with relevant bodies under the Aarhus Convention to ensure the consistent application of the relevant provisions under the two treaties;

1. *Recognizes* the need for guidance to assist competent authorities and the public in organizing effective public participation in strategic environmental assessment;

2. *Welcomes* the development of draft good practice recommendations by a consultant to the secretariat, the Bureau and the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, taking into account the feedback received at the joint workshop and the outcomes of consultations of stakeholders under the Protocol on Strategic Environmental Assessment and the Aarhus Convention;

3. *Recognizes* that these recommendations also reflect the provisions of the Aarhus Convention,

4. *Endorses* the Good Practice Recommendations on Public Participation in Strategic Environmental Assessment set out in document ECE/MP.EIA/SEA/2014/2;

5. *Recommends* that the Parties take into account the contents of the Good Practice Recommendations when applying the Protocol;

6. *Calls on* Parties to distribute the Good Practice Recommendations to national authorities, experts on strategic environmental assessment, non-governmental organizations and other stakeholders and to support them in ensuring public participation in strategic environmental assessment;

7. *Invites* Parties to provide information to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on the usefulness of the Good Practice Recommendations and any suggestions for their future development;

8. *Also invites* Parties and non-Parties to provide further examples of good practice to the Convention secretariat to be made available on the Convention website;

9. *Proposes* that the Good Practice Recommendations be used in the capacity-building activities included in the workplan.

United Nations ECE/MP.EIA/2014/L.2–ECE/MP.EIA/SEA/2014/L.2

Economic and Social Council

Distr.: Limited
20 March 2014

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Sixth session

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session

Geneva, 2–5 June 2014
Items 3 (c) and 11 (c) of the provisional agenda

Outstanding issues: draft joint decisions

Adoption of decisions: decisions to be taken jointly

Draft joint decisions by the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Proposal by the Bureau

Summary

The draft decisions contained in the present document were prepared by the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment, with the support of the Convention secretariat, taking into account the comments made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 11–15 November 2013).

GE.14-21415

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Draft decision VI/5–II/5 on accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe (ECE) has been amended by the Bureau based on legal advice from the Treaty Section of the United Nations Office of Legal Affairs. In accordance with the legal advice, the draft decision could not overrule the condition stipulated in the first amendment to the Convention that for the amendment to have effect it must first enter into force for all the 31 Parties that were Party to the Convention at the time of the amendment's adoption, i.e., on 27 February 2001. Pending the possibility for the non-ECE countries to accede to the Convention, the draft decision invites these countries to unilaterally accept the provisional application of the Convention (para. 5). In this context, the draft decision no longer refers to an Associate Party status, as this was not considered to be a legally viable option. Finally, the draft decision has been complemented with paragraphs 6 and 7 to address the terms of accession by non-ECE countries to the Protocol.

The Meeting of the Parties to the Convention and the Meeting of the Parties serving as the Meeting of the Parties to the Protocol, meeting in joint session, are expected to review the text of the draft decisions contained in the present document and agree on their adoption.

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Draft decision VI/3–II/3

[*to be considered by the Meeting of the Parties to the Convention at its sixth session and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session*]

Adoption of the workplan

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling article 11, paragraph 2 (f), of the Convention, stipulating that the Meeting of the Parties to the Convention shall undertake additional action that may be required to achieve the purposes of the Convention,

Recalling also article 14, paragraph 4 (f), of the Protocol on Strategic Environmental Assessment, stipulating that the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol shall take additional action, including action to be carried out jointly under the Protocol and the Convention, that may be required to achieve the purposes of the Protocol,

Recognizing that it is essential for Parties to the Convention and the Protocol to meet fully their legal obligations arising under these treaties,

Recognizing also that Parties to the Convention and the Protocol should take action to maximize the effectiveness of their application of the Convention and the Protocol, respectively, so that the best possible practical results are achieved,

Recognizing with appreciation the valuable work carried out under the workplan adopted at the fifth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment (decision V/9–I/9), particularly:

(a) The steps taken by Parties and non-Parties to ensure their environmental impact assessment systems are consistent with the provisions of the Convention and the Protocol to report accordingly;

(b) The workshops and pilot projects for subregional cooperation and capacity-building on environmental impact assessment (EIA) and strategic environmental assessment (SEA) organized by the Governments of Armenia, Belarus, Estonia, Germany, Poland and Ukraine;

(c) The seminars for the exchange of good practices organized by the Governments of Austria, Belgium, Finland, Poland and Sweden; and by the European Commission, the International Association for Impact Assessment (IAIA) and the Chair of the Implementation Committee,

Also recognizing with appreciation the substantial funding raised by the secretariat to allow implementation of the workplan activities, in particular in countries of Eastern Europe and the Caucasus,

Acknowledging that several workplan activities for subregional cooperation and capacity-building were no longer requested or were postponed to the next intersessional period by the countries that had proposed them,

Noting with satisfaction that the activities in the workplan adopted at the fifth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, excluding those that had been cancelled, were approximately 68 per cent completed, with 100 per cent of priority 1 activities completed and approximately 94 per cent of priority 2 activities and 48 per cent of priority 3 activities completed,[1]

Also noting with satisfaction that the implementation of approximately 92 per cent of the remaining workplan activities were ongoing or being planned and would be completed in the next intersessional period,

Noting with concern the relatively limited funding available to support the implementation of the workplan activities in the countries of Central Asia,

Wishing to establish realistic intersessional workplans under the Convention and the Protocol by ensuring in advance the funding of the workplan activities,

1. *Decide* that activities for which no funding is identified should not be included in the workplan, but included on a waiting list until appropriate funding is made available;

2. *Adopt* the workplan and the waiting list of activities for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as set out in the table annexed to the present decision;

3. *Suggest* that lead countries that carry out the relevant activities might consult each other in order to benefit from each other's experience and to avoid unnecessary overlap;

4. *Call on* the Parties, and also invite non-Parties, to arrange, host and participate actively in seminars, workshops and meetings to facilitate implementation of and compliance with the Convention and the Protocol;

5. *Invite* every relevant body or agency, whether national or international, governmental or non-governmental and, as appropriate, researchers, commercial firms, developers, consultants or other commercial entities to participate actively in the activities included in the workplan;

6. *Invite* the Economic Commission for Europe (ECE) Executive Secretary to continue supporting the work under the Convention and the Protocol by promoting the activities planned in the workplan, providing formal documentation for and ensuring publication of the outcomes of these activities in the three official languages of the ECE, as appropriate.

[1] Activities included in the budget adopted by the Convention and the Protocol for the period up to the sixth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol contained in annex I of decision V/10–I/10 were assigned priorities 1 and 2. Other workplan activities that were financed to the extent possible through earmarked contributions by Parties or through project funding are referred to as priority 3 activities.

Annex I

Workplan for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Compliance with and implementation of the Convention and the Protocol Enhance the implementation of and compliance with the Convention and the Protocol					Most items included in Implementation Committee and secretariat costs. Exceptions are identified below.
	1. Consideration by the Implementation Committee of compliance submissions.	Undertaken by the Implementation Committee, with the support of the secretariat.	Recommendations on compliance submissions.	2014–2017, presented to MOP7 and MOP/MOP3.	May require funding for translation of submissions ($10,000 is budgeted).[a]
	2. Report on the Committee's activities to MOP7 and MOP/MOP3.	Undertaken by the Implementation Committee, with the support of the secretariat.	Reports of the Committee meetings and a synthesis report to MOP7 and MOP/MOP3.	2014–2017, presented to MOP7 and MOP/MOP3.	—
	3. If necessary, review of the Committee's structure and functions and operating rules.	Undertaken by the Implementation Committee, with the support of the secretariat.	Possible revision of the Committee's structure and functions and operating rules.	2014–2017, presented to MOP7 and MOP/MOP3.	—

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	4. Examination of the outcome of the fourth review of implementation of the Convention and the first review of implementation of the Protocol.	Undertaken by the Implementation Committee, with the support of the secretariat.	Summary of compliance issues from the fourth review of implementation of the Convention and the first review of implementation of the Protocol.	By the end of 2014.	—
	5. Simplification of the questionnaires for the report on implementation of the Convention and, as appropriate, the Protocol, in 2013–2015.	Undertaken by the Implementation Committee, with the support of the secretariat and, where appropriate, of WHO.	Modified questionnaires	Presentation of draft modified questionnaires to the Working Group in 2015.	—
	6. Distribution of the questionnaire to the Parties to the Convention and to the Protocol for them to complete and return.	Carried out by the secretariat	Completed questionnaires.	Issue of questionnaires, one by end of October 2015 and the other by end of December 2015. Return of questionnaires, one by end of February 2016 and the other by end of April 2016.	—

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	7. Preparation of draft reviews of implementation of the Convention and the Protocol.	Carried out by the secretariat	Draft fifth review of implementation of the Convention and draft second review of implementation of the Protocol for consideration by the Implementation Committee, the Working Group on EIA and SEA, MOP7 and MOP/MOP3.	Presentation of the draft reviews to the Committee and the Working Group in autumn 2016 and to MOP7 and MOP/MOP3.	Requires external consultants and translation of national reports ($25,000 is budgeted).[a]
	8. Reviews of legislation, procedures and practice, and technical assistance in drafting legislation, to strengthen Parties' implementation of and compliance with the Convention and the Protocol. Prompted by the Implementation Committee or requested by Parties themselves, as follows:	Undertaken by external consultant(s), with the support of the secretariat and, where appropriate, WHO. Supervised by members of the Committee (if further to a Committee initiative).	Recommendations on strengthening capacity, including amendments to legislation, procedures and institutional arrangements.	As decided by the Implementation Committee and/or the Party.	Costs: approximately $25,000 per review, plus in-kind contributions from Parties providing experts and from target country for interpretation.
	(a) Country-specific reviews, including a period in-country examining national legislation and based on earlier reviews further to decision IV/2. Parties experiencing similar problems might be assisted jointly:				
	(i) Technical advice to Armenia on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2014.	Funding from EaP-GREEN.[b]

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	(ii) Technical advice and support to Kyrgyzstan on improving legislation as well as the institutional framework to implement the Convention;	Undertaken by external consultant and the national expert group on EIA.	Draft law on EIA.	2014.	Funding (approximately $25,000) from Switzerland.
	(iii) Technical advice to Azerbaijan on improving legislation to implement the Convention;	Undertaken by external consultant.	Draft implementing regulations.	2015.	Funding from EaP-GREEN.[b]
	(iv) Technical advice further to possible Committee initiatives (as decided by the Implementation Committee);				Funding for up to two reviews is budgeted.[a]
	(b) Subregional overview based on legislative reviews on EIA and SEA combined with information gathered when developing general guidance on enhancing consistency between the Convention and environmental assessment within the framework of State ecological expertise.	Lead countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine. Undertaken by external consultant(s), with the support of the secretariat.	Subregional overview of SEA and EIA systems prepared and disseminated.	2015.	Funding from EaP-GREEN.
	9. Pre-accession legislative assistance:	Undertaken by external consultant(s), with the support of the secretariat.	Recommendations to the country on strengthening capacity, including amendments to legislation, procedures and institutional arrangements.		

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	(a) Technical advice to Azerbaijan on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2014.	Funding from EaP-GREEN.
	(b) Technical advice to Georgia on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2014–2015.	Funding from EaP-GREEN.
	(c) Technical advice to Kazakhstan on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2015–2017.	EU funding for Kazakhstan.[c]
	(d) Technical assistance to Georgia in drafting legislation to implement the Convention (building on the existing legislative review);			2014–2015.	Funding from EaP-GREEN.
	(e) Technical advice to the Russian Federation;	To be specified by the Russian Federation.		2015.	Funding (approximately $28,000) from Sweden (carried forward).
	10. Collection of findings and opinions from the Committee regarding the Convention and the Protocol, posted on website.	Carried out by the secretariat.	Online collection of the Committee's findings and opinions.	Annual updates	—

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	11. Alignment of the authentic language versions of the Protocol and the two amendments to the Convention: (a) Identification and review of inconsistencies; (b) Preparation of proposals for addressing the inconsistencies (through correction or amendment procedures).	Secretariat to organize a review by the United Nations editors, the ad hoc task force and the Working Group to review inconsistencies identified and to prepare proposals.	Proposals for aligning the text of the Protocol.	2015.	—
	12. Preparation of guidance on the implementation of the Convention (drawing on opinions of the Implementation Committee).	Undertaken by external consultant(s), with the support of the secretariat and, as needed, the Implementation Committee and the Working Group on EIA and SEA.	Guidance document.	2015–2016.	Requires funds for a consultant ($10,000).
	13. Further development and update of the Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries.	Regional workshops to discuss and update the Guidelines.	Guidelines on EIA for Central Asian Countries.	2015–2016.	Possible funding from Switzerland in 2015 or 2016 (requires external and national consultants and organization of up to two workshops, approximately $35,000).

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Subregional cooperation and capacity-building to strengthen contacts between the Parties and others, including States outside the ECE region Improved and developed application of the Convention and its Protocol within the subregions. Promotion of cooperation in all subregions.			For all subregions: (a) Possible evaluation of relevant guidance; (b) Possible guidance on subregional issues such as public participation and the role of NGOs; (c) Common understanding of elements of application and possible multilateral agreements.		Participants cover their own travel and accommodation costs to the extent possible, while host countries cover organizational and venue costs in kind (approximately $5,000–$20,000 per workshop).
Increased professional skills of officials and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and transboundary EIA and to the application of the Convention and its Protocol.	**South-Eastern Europe subregion** 1. Workshop(s) on implementation of the Convention, Protocol and Bucharest Agreement in the subregion: workshop to prepare for the first Meeting of the Parties to the Bucharest Agreement;	Lead country: Romania	Workshop reports and possible reports on specific issues	2015.	Donor/in-kind.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Increased coordination between environmental treaties in Eastern Europe, the Caucasus and Central Asia.	**Mediterranean subregion, including Adriatic Sea** 2. Carried forward workshop for Mediterranean	Lead country: Morocco, with support from other interested countries.	Workshop report.	2014–2015.	Funding largely available ($20,000).
	Baltic Sea subregion 3. Holding of three meetings on: (a) SEA for programmes of measures under the EU Marine Strategy Framework Directive (art. 13) and the experience of large-scale transboundary projects; (b) (topics to be identified by the lead country); (c) (topics to be identified by the lead country).	Lead countries: Germany, Latvia and Lithuania.	Workshop reports and possible reports on specific issues.	(a) 2014 in Germany. (b) 2015 in Lithuania. (c) 2016 in Latvia.	In kind.
	Eastern Europe, the Caucasus and Central Asia 4. Pilot bilateral projects between countries of subregions and inter-subregional projects (e.g., energy, transboundary watercourses, mining, infrastructure projects, other), including seminars prior to and during the pilot projects with the sectoral ministries, project	Pilot transboundary EIA, including training. Lead country: Kazakhstan with interested neighbouring country (tbc). Topic to be specified.	–		Require donor and/or in-kind contributions by beneficiary countries EU funding for Kazakhstan.[c]

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	developers, NGOs, communities and other stakeholders.				
	5. Subregional coordination and experience-sharing events to share successes, challenges, solutions and experiences as well as the results of capacity-building activities on SEA and EIA, followed by the dissemination of seminar results in all countries of Eastern Europe, the Caucasus and Central Asia, including to the public and NGOs. The events can focus one or several challenges in SEA or EIA implementation (e.g., public participation; monitoring; interministerial cooperation/consultations) or on a sector (energy, mining, etc.) Countries to propose themes/ topics for the events:	Lead countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Republic of Moldova, Ukraine, (countries to propose hosting the event)	Dissemination of seminar results: All countries of Eastern Europe, the Caucasus and Central Asia.		
	(a) Practical experience in application of SEA to various plans and programmes in the EU countries, comparison of legal, institutional and procedural frameworks;	Czech Republic.		Autumn 2014.	Funding from EaP-GREEN.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	(b) Lessons learned from national and subregional reviews of legal and institutional frameworks for application of EIA and SEA;	Georgia.		2015.	Funding from EaP-GREEN.
	(c) Lessons learned from the SEA pilot projects in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.	Ukraine.		2016.	Funding from EaP-GREEN.
	6. Joint capacity-building activities with the Aarhus Convention for Armenia, Azerbaijan and Georgia on public participation in decision-making, including to strengthen the capacities of national Aarhus Centres and the regional Aarhus Centres Network in the EIA and SEA processes. Use the Good Practice Recommendations on Public Participation on SEA and the general guidance on enhancing systemic consistency.	Lead countries: Armenia, Azerbaijan, Georgia, involving Aarhus Centres in these countries, with support from OSCE and inputs from Aarhus Convention and Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) secretariats.	Capacity-building and training materials.	2015–2016 (tbc).	Funding from the Environment and Security Initiative.
	(a) Development and compilation of capacity-building materials;				
	(b) Regional and national training workshops.				

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Exchange of good practices Shared knowledge and experience in appropriate legislation for implementation of the Convention and the Protocol, leading to better national legislation and application.	1. Workshops or half-day seminars within meetings of the Working Group on:		From each workshop or seminar, a brief, clear document presenting advice on the most important problems identified for the theme in question.		Costs (e.g., costs for speakers, provision and translation of materials) to be covered in kind by lead countries, to the extent possible (approximately $10,000 per seminar).
Improved implementation and application of the Convention and the Protocol by learning from Parties' experiences.	(a) Post-project analysis;	Lead countries: Belarus, in cooperation with Ukraine.		2015 (tbc).	In kind and some funding from EaP-GREEN to cover costs for speakers.
Awareness-raising on the Convention, its amendments and its ratification.	(b) A topic related to SEA (e.g., based on IAIA "FasTips");	Lead organization: IAIA.		2016 (tbc.).	In kind and some funding from EaP-GREEN to cover costs for speakers.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Promoting ratification and application of the Protocol on SEA		Lead: secretariat in cooperation with the concerned countries.	Ratifications and other outcomes specified below.	2014–2017.	
Ratification, full legal implementation and practical application of the Protocol. Increased professional skills of officials, and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and to the application of the Protocol. Increased exchange of information and experience in the application of the Protocol.	1. Preparation of factsheets on application of SEA, e.g., on industrial reconversion and investment plans or sustainable agricultural practices.	Lead: All Parties, including Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine, as well as the secretariat in cooperation with UNEP.	Factsheets.	2014–2016.	Funding from EaP-GREEN (for translation and publication).
	2. Preparation of two-page informal pamphlets on key issues in SEA practice (e.g., on …).	Lead organization: IAIA, with the support of WHO, SEA and health experts and the secretariat.	Informal pamphlets on key issues	Ongoing.	In kind.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	3. Workshops, including training, on the application of the Protocol for countries in the ECE region and other Parties to the Protocol, in particular countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia:	Lead countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine.	Workshop and training reports.	Countries to specify the timing.	
	(a) One national training event, two local training events;	Armenia.		2015–2016.	Funding from EaP-GREEN.
	(b) Two national training events, two local training events;	Azerbaijan.		2014–2016.	Funding from EaP-GREEN.
	(c) Two national training events;	Belarus.		2014–2016.	Funding from EaP-GREEN.
	(d) One national training event;	Georgia.		2014–2015.	Funding from EaP-GREEN.
	(e) Two national training events, two local training events;	Republic of Moldova.		2014–2016.	Funding from EaP-GREEN.
	(f) One national training event, one local training event;	Kazakhstan.		2015–2017.	EU funding for Kazakhstan.[c]
	(g) One national training event, two local training events.	Ukraine		2015–2016.	Funding from EaP-GREEN.
	4. National guidance documents on SEA.	Lead countries: Armenia, Azerbaijan, Georgia, Kazakhstan, Republic of Moldova and Ukraine.	One published guidance document per country.	2015–2016.	Funding from EaP-GREEN; and from EU for Kazakhstan.[c]

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	5. Pilot SEAs in selected countries, in selected sectors.	Lead countries: Armenia, Azerbaijan, Georgia, Republic of Moldova, Tajikistan and Ukraine, in collaboration with UNEP and WHO, where relevant.	Project reports.		(a)–(f) funding from EaP-GREEN (g) EU funding for Kazakhstan.[c]
		(a) Armenia;		(a) 2014–2015;	
		(b) Azerbaijan;		(b) 2014–2015;	
		(c) Belarus;		(c) 2015–2016;	
		(d) Georgia;		(d) 2014–2015;	
		(e) Republic of Moldova;		(e) 2014–2015;	
		(f) Ukraine;		(f) 2015–2016;	
		(g) Kazakhstan.		(g) 2016–2017.	

Abbreviations: ECE = United Nations Economic Commission for Europe; EIA = environmental impact assessment; IAIA = International Association for Impact Assessment; MOP7 = the Meeting of the Parties to the Convention at its seventh session; MOP/MOP3 = the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its third session; NGOs = non-governmental organizations; OSCE = Organization for Security and Cooperation in Europe; SEA = strategic environmental assessment; UNEP = United Nations Environment Programme; WHO = World Health Organization.

[a] The financing of the activities foreseen in the budget of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to Convention serving as the Meeting of the Parties to the Protocol, as set out in annex I to decision VI/4–II/4, will be contingent on sufficient funds being made available by Parties through their voluntary contributions to the Convention trust fund.

[b] "Greening Economies in the European Union's Eastern Partnership" (EaP-GREEN), a European Union-funded regional multi-stakeholder project.

[c] "Supporting Kazakhstan's transition to a Green Economy Model" a European Union-funded multi-stakeholder project foreseen for 2015–2018 (tbc).

Annex II

List of activities awaiting funding for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Compliance with and implementation of the Convention and the Protocol Enhance the implementation of and compliance with the Convention and the Protocol	**Pre-accession legislative assistance.**	Undertaken by external consultant(s), with the support of the secretariat.	Recommendations to the country on strengthening capacity, including amendments to legislation, procedures and institutional arrangements.		
	Technical advice to Uzbekistan to review its national legislation for implementation of the Protocol and to propose amendments.				
	Preparation of guidance on the implementation of the Convention (drawing on opinions of the Implementation Committee).	Undertaken by external consultant(s), with the support of the secretariat and, as needed, the Implementation Committee and the Working Group on EIA and SEA.	Guidance document.	2015–2016.	Requires funds for a consultant ($10,000).

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Subregional cooperation and capacity-building to strengthen contacts between the Parties and others, including States outside the ECE region Improved and developed application of the Convention and its Protocol within the subregions. Promotion of cooperation in all subregions. Increased professional skills of officials and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and transboundary EIA and to the application of the Convention and its Protocol. Increased coordination between environmental treaties in Eastern Europe, the Caucasus and Central Asia.			For all subregions: (a) Possible evaluation of relevant guidance; (b) Possible guidance on subregional issues such as public participation and the role of NGOs; (c) Common understanding of elements of application and possible multilateral agreements.		Participants cover their own travel and accommodation costs to the extent possible, while host countries cover organizational and venue costs in kind (approximately $5,000–$20 000 per workshop).
	South-Eastern Europe subregion 1. Workshop(s) on implementation of the Convention, the Protocol and the Bucharest Agreement in the subregion.	Lead countries: Croatia, and Slovenia.	Workshop reports and possible reports on specific issues.		Donor/in-kind (e.g., project) funding required.
	(a) Workshop;	(a) Croatia with Slovenia.		(a) 2015.	(a) No funding confirmed yet.
	(b) First Meeting of the Parties to the Bucharest Agreement.	(b) Romania.		(b) Late 2015.	(b) No funding confirmed yet.
	Mediterranean subregion, including Adriatic Sea 2. *Carried forward* workshop on practical application of the Convention on the basis of the results in the previous workshops.	Lead country: Italy, to be confirmed.	Workshop reports and possible reports on specific issues.	2014–15	In kind.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Exchange of good practices Shared knowledge and experience in appropriate legislation for implementation of the Convention and the Protocol, leading to better national legislation and application. Improved implementation and application of the Convention and the Protocol by learning from Parties' experiences. Awareness-raising on the Convention, its amendments and its ratification.	1. Workshops or half-day seminars within meetings of the Working Group on:		From each workshop or seminar, a brief, clear document presenting advice on the most important identified problems for the theme in question.		Costs (e.g., costs for speakers, provision and translation of materials) to be covered in kind by lead countries, to the extent possible (approximately $10,000 per seminar). (Participation of countries in transition, NGOs, Non-ECE countries.)
	Global application of the Convention and the Protocol: focus on non-ECE countries and IFIs.	Lead organization: EIB, tbc.		2016.	In kind. 5,000 required (Travel costs for non-ECE countries should be covered from the budget)

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	2. Development of good practice recommendations on the application of the Convention to nuclear energy-related activities.	Undertaken by external consultant(s), in line with agreed terms of reference, under the supervision of an editorial group including Austria, Belarus, Finland, France, Germany, the Netherlands, Poland, Ukraine, the European Commission and European ECO Forum, and with support from the secretariat.	Good practice recommendations for adoption by MOP7 and MOP/MOP3.	2015–2016.	In kind. Requires consultant(s) for drafting ($10,000–$20,000).
Promoting ratification and application of the Protocol on SEA Ratification, full legal implementation and practical application of the Protocol. Increased professional skills of officials and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and to the application of the Protocol. Increased exchange of information and experience in the application of the Protocol.	Pilot SEAs in selected countries, in selected sectors.	Requested by Tajikistan.		2015–16	Requires funding ($80,000–$100,000).

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[*to be considered by the Meeting of the Parties to the Convention at its sixth session and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session*]

Budget, financial arrangements and financial assistance

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling decision V/10–I/10 of the Meeting of the Parties to the Convention, and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment, on the budget, financial arrangements and financial assistance for the period up to the sixth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recognizing the wish of the Parties for a high degree of transparency and accountability,

Welcoming the biannual financial reports prepared by the secretariat since the fifth session of the Meeting of Parties to the Convention, with biannual reporting best addressing the schedule of the meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as well as national budgeting cycles,

Recognizing with appreciation the contributions made in cash and in kind to the budget in the period between the fifth and sixth sessions of the Meetings of the Parties to the Convention, and between the first and second sessions of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Seeking to facilitate the willingness of donor countries to make further contributions, as well as assisting financial and project management,

Believing that the Parties should be informed in a timely manner of the status of and developments in the financing of activities under the Convention and the Protocol,

Also believing that the financing of activities under the Convention and the Protocol should be distributed among as many Parties and non-Parties as possible,

Aware of the importance of wide participation by the Parties in activities under the Convention and the Protocol in order to ensure progress,

Aware also of the need to facilitate the participation of certain countries with economies in transition that may otherwise not be able to take part,

Recalling the amendment to the Convention (decision II/14 of the Meeting of the Parties to the Convention), which allows United Nations Member States not members of the United Nations Economic Commission for Europe (ECE) to accede to the Convention, and recalling article 23, paragraph 3, of the Protocol on Strategic Environmental Assessment, which allows United Nations Member States not members of ECE to accede to the Protocol,

1. *Establish* a scheme of financial contributions whereby Parties and Signatories to the Convention and to the Protocol would contribute each year an amount that they may choose to pledge on a voluntary basis [that may be calculated based on the agreed budget for the Convention and the adjusted scale of assessments for the apportionment of the expenses of the United Nations], and also invite international financial institutions, as well as other stakeholders, to contribute;

[2. *Confirm* for State Parties the system of shares endorsed by decision III/10 of the Meeting of the Parties to the Convention, whereby countries make contributions equivalent in value to a number of shares of the budget;[2]]

[3.] *Recognize* the commitment by the European Union to contribute 2.5 per cent of the total amount not covered by the United Nations regular budget for priority 1 activities of the workplan of the Convention and its Protocol and its intention to maintain its annual pledge of €50,000 towards the combined costs until that amount becomes less than 2.5 per cent of the total, while noting that this is subject to annual endorsement by the budgetary authorities of the European Union and is without prejudice to paragraph 1;

[4.] *Adopt* the financial strategy for carrying out the work under the Convention and the Protocol, given the financial constraints, as contained in annex II to this decision;

[5.] *Urge* all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties and Signatories;

[6.] *Strongly urge* Parties that have so far only committed limited funds or in-kind contributions to raise their contributions during the current and future budget cycle;

[[7.] *Agree* that each Party and Signatory should be invited to contribute each year, [as a minimum,] an amount derived from the adjusted scale of assessments for the apportionment of the expenses of the United Nations;[3]]

[8.] *Adopt* the report prepared by the secretariat on the budget and financial arrangements in the period since the fifth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of Parties to the Protocol (ECE/MP.EIA/2014/1–ECE/MP.EIA/SEA/2014/1);

[9.] *Decide* that activities under the workplan for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, which are included in the budget of the Convention and the Protocol for that same period, as set out in annex I to this decision, and which are not covered by the United Nations regular budget, should be covered by contributions of 1,100 shares of US$ 1,000 each, of which 565 shares would cover the core (priority 1) requirements and 535 shares would cover the remaining non-core (priority 2) requirements;

[10.] *Agree* the budget of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as set out in annex I;

[11.] *Also agree* that contributions shall be allocated to the budgets of the individual items in the budget table contained in annex I, in the order of priority set for each

[2] Language to be modified based on the agreement of the "financial scheme".

[3] See alternative B in paragraph 6 of the draft financial strategy annexed to this decision (annex II).

item unless and to the extent that a contributor specifies that a contribution should be allocated to a particular item in the budget; where funds remain after the completion of such items, the surplus shall be transferred to the overall budget to be spent on the budget items in the order of priority set for each item;

[12.] *Request* that Parties seek to transfer their contributions to the ECE Trust Fund on Local Technical Cooperation under the Convention and the Protocol as early as possible in their budget year and, insofar as possible, contributions for a given calendar year should be made by the end of the preceding year so as to provide greater certainty for future financial and project management;

[13.] *Request* the secretariat to continue to prepare and submit to the Bureau biannual reports with a view to assisting in the preparation of the report to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as requested in paragraph [17] below, and further request the Bureau to consider the biannual reports prepared by the secretariat and to agree their circulation to the Parties;

[14.] *Also request* the secretariat to include in the biannual reports information on the resources available (including in-kind contributions and United Nations programme support) and the expenditure on each item specified in the budget, as well as highlighting significant developments;

[15.] *Further request* the secretariat to provide Parties with timely reminders concerning outstanding pledges;

[16.] *Decide* that the Executive Secretary of ECE has authority, after consultations with the Bureau, to make adjustments to the budget, up to a maximum of [10] [20] per cent, where such adjustments are necessary before the next meeting of Parties, and [that Parties are promptly informed of such adjustments] [and given the opportunity to comment both in writing at the time and at the next meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, at which time Parties should be invited to indicate confirmation of the adjustments];

[17.] *Request* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare a report for the next meeting of the Parties, based on the information contained in the biannual reports and giving a clear indication of the significant developments during the period in order that Parties can best meet future demands for resources under the Convention and its Protocol;

[18.] *Also request* the secretariat to seek additional staff funded by the regular budget of the United Nations to provide long-term and stable secretariat functions;

[19.] *Decide* that the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment shall prepare a further draft decision on financial arrangements for adoption at the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, based on experience gained in the meantime under the financial arrangements adopted by this meeting;

[20.] *Call upon* countries with economies in transition to finance to the extent possible their own participation in the activities under the Convention and its Protocol in order to ensure that the limited funds available are used efficiently;

[21.] *Urge* Parties and encourage non-Parties and relevant international organizations to contribute financial resources to enable countries with economies in

transition and non-governmental organizations to participate in the meetings under the Convention and its Protocol;

[22.] *Decide* that securing proper staffing of the secretariat has priority above financial support to participants in formal meetings and that, among participants, priority should be given to representatives of Parties, then of non-Parties and then of non-governmental organizations;

[23.] *Recommend* that the Convention and its Protocol should apply the guiding criteria established and periodically updated by the Committee on Environmental Policy for financial assistance to support the participation of experts and representatives from countries with economies in transition in meetings and workshops organized within the framework of the Convention and its Protocol and other relevant activities, depending upon the availability of funds;

[24.] *Request* the secretariat to grant, subject to the availability of funds, financial assistance to designated experts from non-governmental organizations identified by the Bureau for their participation in meetings under the Convention and under the Protocol, unless otherwise decided by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

[25.] *Decide* that the Bureau shall, depending on the availability of funding and subject to priority being given to funding the workplan, examine requests for possible financial assistance for the participation by representatives and experts from States outside the ECE region in meetings under the Convention and its Protocol.

[26.] *Also decide* that during the intersessional period the Working Group should meet in spring 2015, spring 2016 and late 2016 and that the Implementation Committee should hold in total eight sessions, meeting two to three times a year: in spring, in autumn and in winter; and request the secretariat to prepare the provisional agendas and other formal documentation for and reports on these meetings and to issue these documents in the three official languages of ECE.

Annex I

Budget for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, for activities to be funded from the Convention trust fund or by in-kind contributions

Activity	*Priority*	*Notes/sub-activities*	*Unit*	*Cost per item per unit (shares)*	*Cost per unit (shares)*	*Number of units over three years*	*Total cost over three years (shares)*
Organizational activities (with most meetings taking place in Geneva)							
Seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol	2	Participation of countries with economies in transition (CITs)	Meeting	30	80	1	80
	2	Participation of non-governmental organizations		20			
	2	Invited speakers		15			
	2	Participation of non-ECE countries		15			
Meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment	2	Participation of CITs	Meeting	20	35	3	105
	2	Participation of non-governmental organizations		10			
	2	Participation of non-ECE countries		5			
Bureau meetings (free standing)	2	Participation of CITs (Bureau members)	Meeting	—	5	4	20
Meetings of the Implementation Committee	2	Participation of CITs (Committee members)	Meeting	—	5	8	40
Informal translations of informal papers for meetings listed above	2		Meeting	—	5	6	30
Promotion of contacts with countries outside the ECE region (with reporting of results to Working Group)	2	Travel of secretariat and Chair	Mission	—	5	5	25
External expert to provide secretariat support for the implementation of the Convention and the Protocol[a]	1	External expert (United Nations Standard Salary Cost, including net salary, taxes and common staff costs)	Year	—	180	3	540
Further secretariat support for the implementation of the Convention and the Protocol	2	Consultants	Year	15	40	3	120
	2	Promotional materials		5			
	2	Secretariat travel in relation to the workplan		20			
Subtotal (organizational)							**960**

Activity	*Priority*	*Notes/sub-activities*	*Unit*	*Cost per item per unit (shares)*	*Cost per unit (shares)*	*Number of units over three years*	*Total cost over three years (shares)*
Substantive activities (see corresponding workplan for details)							
Compliance with and implementation of the Convention and the Protocol	2	Informal translations of submissions		—	—	—	10
	1	Drafting of reviews of implementation					25
	2	Drafting guidance related to nuclear energy	Consultant	—	—	—	15
	2	Country-specific performance reviews	Review	—	25	2	50
Exchange of good practices	2	Workshops or half-day seminars	Seminar	—	10	4	40
Subtotal (substantive activities)							**165**
Grand total (in shares, 1 share = $1 000)							**1 100**

[a] Full time staff member at the P-3 level to support the secretariat to fulfil its functions as required by the Convention and the Protocol, including notably regarding the review of implementation and compliance under the Convention and the Protocol, capacity-building and maintenance of the website. The external expert is required to supplement the secretariat staff funded through the United Nations regular budget, which currently comprises one staff member at the P-4 level and, as of April 2014, 40 per cent of a (support) staff member at the G-5 level.

Annex II
Financial strategy

I. Introduction

1. The financial strategy set out in the present document has been prepared further to decision V/10–I/10 on budget, financial arrangements and financial assistance of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Meeting of the Parties to the Convention serving as Meeting of the Parties to the Protocol on Strategic Environmental Assessment (Protocol on SEA), requesting "the Bureau, possibly with the support of a small group, to develop a strategy for carrying out the work under the Convention and the Protocol given the financial constraints" (ECE/MP.EIA/15, para. 16).

2. The draft strategy was agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, on the basis of a proposal prepared by the Bureau and with support from the secretariat.

3. The strategy draws also on the experience of the other United Nations Economic Commission for Europe (ECE) environmental conventions in developing sustainable extrabudgetary financial arrangements.

II. Objectives

4. The objectives of the financial strategy are:

(a) To establish the basis for preparing realistic intersessional workplans with defined resource requirements under the Convention and the Protocol;

(b) To ensure sufficient resources for covering the costs of activities that are not covered by the United Nations regular budget;[a]

(c) To improve the stability and predictability of the sources of funding;

(d) To maintain a funding scheme based on voluntary contributions that is transparent and open to all Parties and Signatories, and in addition invite international financial institutions and other stakeholders to contribute;

(e) To encourage all Parties and other stakeholders to support the implementation of the workplans.

[a] Regular budget (RB) resources of the ECE secretariat are made available to cover its core mandate, that is, to ensure the servicing of meetings of the governing bodies and key subsidiary groups. The level of the RB resources is determined by United Nations Member States through relevant decisions in the Fifth Committee (with responsibilities for administration and budgetary matters) and later in the General Assembly. The RB staff resources have remained constant in spite of the increase in the functions of the secretariat, e.g., with the entry into force of the Protocol on SEA, and the greater use of the compliance mechanism (Implementation Committee). Moreover, the RB resources are insufficient for activities that go beyond the core mandate (e.g., capacity-building), which, therefore, must be financed through extrabudgetary funds.

III. Elements of the financial strategy

A. Planning

5. The following elements should be taken into account when planning future activities and drafting budgets:

(a) The Meetings of the Parties, when deciding on the next intersessional workplan, should at the same time agree on the budget and ensure that sources of appropriate additional extrabudgetary resources are identified;

(b) The primary responsibility for securing the necessary resources to implement the workplan should lie with the Parties;

(c) Activities relevant for the implementation of the Convention for which no funding or no lead countries can be identified should not be included in the workplan upon its adoption but should be included on a separate waiting list until appropriate funding and lead countries are made available. The funding of the "wait-listed" activities should, however, be subject to reassessment by the Bureau based on possibly changed priorities, unless the donor contribution was earmarked for a specific activity on the waiting list;

(d) The draft workplans should indicate funding requirements/estimated costs (in United States dollars) for all the proposed activities;

(e) Extrabudgetary funds must be appropriate to cover not only the activities but also the staff — both professional staff and programme assistants — needed to implement them;

(f) The allocation of resources for the budget and intersessional workplan items should be based on agreed priorities.

B. Contributions to the trust fund

6. To ensure sustainable funding of the activities and an equitable and proportionate distribution of the financial burden among the Parties and the Signatories

Alternative A:

[the system of voluntary financial contributions, based upon a system of shares, established by decision III/10 of the Meeting of the Parties to the Convention, is maintained, whereby Parties to the Convention and the Protocol as well as Signatory States, other countries, international and regional organizations, international financial institutions and non-governmental organizations (NGOs) may choose to make contributions equivalent in value to a number of shares of the budget.]

Alternative B:

[the system of voluntary financial contributions, based upon a system of shares, established by decision III/10 of the Meeting of the Parties to the Convention, is adapted: each Party and Signatory should be invited to contribute each year, as a minimum, a minimum amount calculated based on the agreed budget for the Convention and the adjusted scale of assessments for the apportionment of the expenses of the United Nations, which reflects the economic strength of the country.[b]]

[b] The United Nations scale of assessments for the apportionment of the expenses is the basis for national contributions to the regular budget of the United Nations. The annex to this document

7. To improve the sustainable availability and predictability of the extrabudgetary funding for the activities under the Convention and the Protocol:

(a) Insofar as possible, and subject to the internal budgetary procedures of the Parties, contributions for a given calendar year should be made by the end of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the activities;

(b) Financial contributions should preferably be made towards the overall implementation of the workplan, but could also be earmarked for a particular activity;

(c) To the extent possible, the financial contributions to the trust fund under the Convention should be "unconditional", that is, they should be provided without signed agreements or other exchange of written communication and requiring no specific financial or substantive reporting by the secretariat on their use other than that provided in the biannual financial reports produced by the secretariat;

(d) The secretariat should write to Parties to encourage further pledges and timely financial contributions. The letters[, which may contain reference to the United Nations scale of assessments,] should be sent out not later than 90 days before the session of the Meeting of the Parties and at the end of each subsequent calendar year of the intersessional period. The letters should also make reference to the available information on ongoing activities under the Convention and its Protocol and the status of the paid contributions;

(e) Signatories, other ECE and non-ECE countries, international and regional organizations, international financial institutions and non-governmental organizations (NGOs) should also be invited to provide extrabudgetary resources.

C. In-kind contributions

8. In addition to extrabudgetary financial contributions to the trust fund under the Convention, Parties as well as Signatories, other ECE and non-ECE countries, international and regional organizations, international financial institutions and NGOs should be encouraged to make in-kind contributions. These could include:

(a) Covering the cost of services linked to workplan activities (provision of expertise, organization of a meeting, publication of results, etc.);

(b) Funding directly the participation of representatives of countries with economies in transition and the secretariat, rather than through contributions to the trust fund;

(c) Providing financial support for representatives of States outside the ECE region that they wished to participate in activities or meetings;

(d) Provision of leadership and expertise within the subsidiary bodies under the Convention and the Protocol.

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provides a calculation of indicative contributions by the Parties to the Espoo Convention for the proposed Convention budget for 2014–2017, based on the United Nations scale of assessments (as adopted by the General Assembly on 24 December 2012, in resolution 67/238, for the period 2013–2015). This United Nations scale has been adjusted (a) by considering only those States that are Parties to the Espoo Convention (the Parties account for 44.606 per cent of the total scale); and (b) by including a standard contribution from the European Union of 3.330 per cent.

9. Parties should also be encouraged to provide human resources for the implementation of the activities by the Convention secretariat, for example through:

(a) Providing a junior or associate expert;[c]

(b) Staff secondment.

D. Expenditure from the trust fund

10. The contributions should continue to be allocated to the budgets of the individual items of expenditure in the order of priority set for each item, as decided on by the Meeting of the Parties. In addition to this:

(a) Subject to the availability of financial resources, support to representatives of States outside the ECE region can be provided only if such representatives would draw clear benefits from their participation, such as attendance at a workshop and contribution to relevant discussions;

(b) Financial support for States neighbouring the ECE region should be prioritized over other States outside the ECE region;

(c) Savings could be made by reducing the number of printed items and moving to electronic publications, as well as by reducing the length of printed documents.

E. Expenditure from the regular budget

11. Savings from the regular budget should be made, including through:

(a) Continued reduction in the number of documents, their length and their translation;

(b) Continued reduction in printing, with a move to electronic publications;

(c) More even distribution of the meetings throughout the year.

Annex III

A calculation of indicative contributions by the Parties to the Espoo Convention for the proposed Convention budget for 2015-2017, based on the United Nations scale of assessments[d]

Column A: Countries (Parties)	*Column B: United Nations scale of assessments (percentage)*	*Column C: Adjusted United Nations scale of assessments (percentage)*	*Column D: Contribution calculated based on the scale of assessments for 2015 (US$)*	*Column E: Contribution calculated based on the scale of assessments for 2015-2017 (US$)*
Albania	0.010	0.024	88	264
Armenia	0.007	0.017	62	185
Austria	0.798	1.914	7 016	21 049

[c] Parties that have a junior professional officer programme may wish to consider providing an associate expert. These are typically young professionals with a university degree in an appropriate discipline and a few years of professional experience that are made available to a receiving international organization for a period of two to three years.

[d] As adopted by the General Assembly on 24 December 2012, in resolution 67/238, for the period 2013–2015

Column A: Countries (Parties)	*Column B: United Nations scale of assessments (percentage)*	*Column C: Adjusted United Nations scale of assessments (percentage)*	*Column D: Contribution calculated based on the scale of assessments for 2015 (US$)*	*Column E: Contribution calculated based on the scale of assessments for 2015-2017 (US$)*
Azerbaijan	0.040	0.096	352	1 055
Belarus	0.056	0.134	492	1 477
Belgium	0.998	2.393	8 775	26 324
Bosnia and Herzegovina	0.017	0.041	149	448
Bulgaria	0.047	0.113	413	1 240
Canada	2.984	7.155	26 237	78 710
Croatia	0.126	0.302	1 108	3 324
Cyprus	0.047	0.113	413	1 240
Czech Republic	0.386	0.926	3 394	10 182
Denmark	0.675	1.619	5 935	17 805
Estonia	0.040	0.096	352	1 055
Finland	0.519	1.245	4 563	13 690
France	5.593	13.412	49 176	147 528
Germany	7.141	17.124	62 787	188 360
Greece	0.638	1.530	5 610	16 829
Hungary	0.266	0.638	2 339	7 016
Ireland	0.418	1.002	3 675	11 026
Italy	4.448	10.666	39 109	117 326
Kazakhstan	0.121	0.290	1 064	3 192
Kyrgyzstan	0.002	0.005	18	53
Latvia	0.047	0.113	413	1 240
Liechtenstein	0.009	0.022	79	237
Lithuania	0.073	0.175	642	1 926
Luxembourg	0.081	0.194	712	2 137
Malta	0.016	0.038	141	422
Montenegro	0.005	0.012	44	132
Netherlands	1.654	3.966	14 543	43 628
Norway	0.851	2.041	7 482	22 447
Poland	0.921	2.208	8 098	24 293
Portugal	0.474	1.137	4 168	12 503
Republic of Moldova	0.003	0.007	26	79
Romania	0.226	0.542	1 987	5 961
Serbia	0.040	0.096	352	1 055
Slovakia	0.171	0.410	1 503	4 510
Slovenia	0.100	0.240	879	2 638
Spain	2.973	7.129	26 140	78 419
Sweden	0.960	2.302	8 441	25 322

Column A: Countries (Parties)	*Column B: United Nations scale of assessments (percentage)*	*Column C: Adjusted United Nations scale of assessments (percentage)*	*Column D: Contribution calculated based on the scale of assessments for 2015 (US$)*	*Column E: Contribution calculated based on the scale of assessments for 2015-2017 (US$)*
Switzerland	1.047	2.511	9 206	27 617
The former Yugoslav Republic of Macedonia	0.008	0.019	70	211
Ukraine	0.099	0.237	870	2 611
United Kingdom of Great Britain and Northern Ireland	5.179	12.419	45 536	136 607
European Union	–	3.330	36 630	12 210
Total	**40 310**	**100 000**	**366 667**	**1 110 000**

Draft decision VI/5–II/5

[*to be considered by the Meeting of the Parties to the Convention at its sixth session and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session*]

Accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling their decision V/8–I/8 on accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe,

Also recalling decision V/2 of the Meeting of the Parties to the Convention on interpretation of article 14 of the Convention, and the desire expressed therein to bring about an early entry into force of the amendments adopted through its decisions II/14 and III/7,

Further recalling article 17, paragraph 3, of the Convention, as adopted by decision II/14 of the Meeting of the Parties to the Convention, which concerns the accession upon approval of a State that is a Member of the United Nations but that is not a member of the United Nations Economic Commission for Europe (ECE),

Additionally recalling article 23, paragraph 3, of the Protocol, which concerns the accession upon approval of a State that is a Member of the United Nations but that is not a member of ECE,

Convinced that the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment are effective instruments for fostering environmentally sound and sustainable development, and for supporting cooperation also beyond the ECE region,

Wishing to share the knowledge, practices and experience gained in the ECE region and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

Recognizing the increased interest in the Convention and the Protocol and the involvement of many non-ECE countries in activities within their framework,

Acknowledging the need for a procedure for accession by non-ECE countries not differing from the procedure for accession by ECE-countries,

Expressing the unanimous desire to allow countries outside the ECE region to become Parties to the Convention and to the Protocol as soon as possible,

1. *Express satisfaction* that article 17, paragraph 3 adopted by decision II/4 will enter into force on [add date] [shortly], in accordance with article 14, paragraph 4, of the Convention, and taking into account decision V/2 of the Meeting of the Parties to the Convention on the interpretation of article 14 of the Convention, for those States that have ratified, approved or accepted the amendment;

2. *Urge* all the States that were Parties to the Convention on 27 February 2001 that have not yet done so to ratify the amendment to article 17 as soon as possible, for it to have effect;

3. *Decide* that, for the purposes of the amendment to article 17 of the Convention, adopted by decision II/14, any future request for accession to the Convention by any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe is welcome and, therefore, shall be considered as approved by the Meeting of the Parties;

4. *Acknowledge* that the present approval of future requests for accession to the Convention will take effect upon entry into force of the amendment to article 17 in accordance with article 14, paragraph 4, of the Convention, and taking into account decision V/2 of the Meeting of the Parties to the Convention on interpretation of article 14 of the Convention;

5. *Invite* any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe and which submits an instrument of accession in accordance with paragraph 3 above to unilaterally accept the provisional application of the Convention until the amendment to article 17 of the Convention has entered into force for all the States and organizations that were Parties to the Convention on 27 February 2001;

6. *Decide* that, for the purposes of article 23, paragraph 3, of the Protocol, any future request for accession to the Protocol by any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe is welcome and, therefore, shall be considered as approved by the Meeting of the Parties;

7. *Also decide,* that the provision of article 24, paragraph 3, of the Protocol shall be interpreted as applying, mutatis mutandis, to the case of accession pursuant to article 23, paragraph 3, and that the Protocol shall therefore enter into force for any State referred to in article 23, paragraph 3, on the ninetieth day after the date of deposit by the State of its instrument of accession;

8. *Request* the secretariat to inform the United Nations Treaty Section and the interested Members of the United Nations which are not members of the United Nations Economic Commission for Europe about the present decision;

9. *Invite* interested Members of the United Nations that are not members of the United Nations Economic Commission for Europe to take steps to implement the two treaties with a view to a future accession to the Convention and the Protocol in accordance with article 17, paragraph 3, of the Convention, and article 23, paragraph 3, of the Protocol, respectively.

United Nations ECE/MP.EIA/SEA/2014/L.3

Economic and Social Council

Distr.: Limited
14 March 2014

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session
Geneva, 2–5 June 2014
Item 11 (b) of the provisional agenda
Adoption of decisions: decisions to be taken by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Draft decision on the review of compliance with the Protocol

Proposal by the Implementation Committee

Summary

The draft decision on the review of compliance with the Protocol on Strategic Environmental Assessment was finalized by the Implementation Committee at its thirtieth session (Geneva, 25–27 February 2014), having taken into account suggestions made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment during and after its third meeting (Geneva, 11–15 November 2013).

The Meeting of the Parties to Convention serving as the Meeting of the Parties to the Protocol is expected to review the draft decision and agree on its adoption.

GE.14-21317

1421317

Please recycle

Draft decision II/2

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its second session*]

Review of compliance

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling article 14, paragraph 6, of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, and decision V/6–I/6 of the of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol concerning the application of the compliance procedure of the Convention to the Protocol,

Determined to promote and improve compliance with the Protocol,

Seeking to promote the identification, as early as possible, of difficulties encountered by Parties in complying with the Protocol and the adoption of the most appropriate and effective solutions for resolving those difficulties,

Having reviewed the structure and functions of the Implementation Committee, as described in the appendix to decision III/2 of the Meeting of the Parties to the Convention (ECE/MP.EIA/6, annex II), and considering that it is necessary to ensure continuity of the Committee's work during the intersessional periods,

Having also reviewed the operating rules adopted by the Meeting of the Parties to the Convention at its third session (ECE/MP.EIA/10, decision IV/2, annex IV), as amended at its fifth session (ECE/MP.EIA/15, decision V/4, annex), and recognizing the importance of improving the effectiveness of the compliance mechanism under the Convention and the Protocol,

Having further reviewed the opinions of the Implementation Committee,

Recognizing the importance of rigorous reporting by Parties of their compliance with the Protocol, and noting the first review of the implementation of the Protocol, based on Parties' answers to the questionnaires on the implementation of the Convention and the Protocol, and adopted in decision II/1,

Recalling that the compliance procedure is assistance-oriented and that Parties may make submissions to the Committee on issues regarding their compliance with the Protocol,

1. *Adopts* the Committee's report on its activities (ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4);

2. *Welcomes* the reports of the meetings of the Committee in the period after the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;

3. *Requests* the Committee:

(a) To keep the implementation and application of the Protocol under review;

(b) To promote and support compliance with the Protocol, including to provide assistance in this respect, as necessary;

4. *Welcomes* the examination by the Committee of information received from other sources, including the public, regarding Romania, which resulted in the Committee declaring its satisfaction with the clarifications provided by the Party;

5. *Considers*, following the opinion of the Committee (see ECE/MP.EIA/IC/2012/2, para. 17), that the obligation in article 10 of the Protocol to notify potentially affected Parties rests solely with the Party of origin. If, under exceptional circumstances, the Party of origin were to seek the assistance of an intermediary in fulfilling its obligations in that respect, it would retain responsibility for any actions or omissions of the intermediary in that regard. However, article 17 of the Protocol cannot be interpreted as providing an obligation on the secretariat to act as an intermediary in the procedures set out in the Protocol;

6. *Encourages* Parties to bring issues concerning their own compliance before the Committee;

7. *Requests* the Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible, and in this respect refers to decision II/3 of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on the adoption of the workplan;

8. *Urges* Parties to take into account in their further work the recommendations for further improving the implementation of and compliance with the Protocol, including by strengthening national legislation, based on but not limited to the analyses on general compliance issues from the First Review of Implementation, adopted by decision II/2 of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;

9. *Adopts* the amendments to the structure and functions of the Committee, as well as the amendments to the operating rules of the Committee, set out in annexes I and II to decision VI/2 of the Meeting of the Parties to the Convention.

United Nations ECE/MP.EIA/2014/L.4–ECE/MP.EIA/SEA/2014.L.4

Economic and Social Council

Distr.: Limited
19 March 2014

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Sixth session

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session

Geneva, 2–5 June 2014
Items 3 (d) and 12 of the provisional agenda

Outstanding issues: draft declaration

Adoption of the declaration

Draft declaration

Proposal by the Bureau

Summary

The present draft declaration was prepared by the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment, with the support of the secretariat, as requested by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 11–15 November 2013).

The declaration's section on nuclear energy-related issues builds on initial inputs from the Lithuanian Presidency of the Council of the European Union and the European Commission.

The Meetings of the Parties are expected to agree on the text of the draft declaration and on its adoption.

GE.14-21608

1421608

Please recycle

We, the high-level representatives of the United Nations Economic Commission for Europe (ECE) member States and the European Union gathered in Geneva from 2 to 5 June 2014 on the occasion of the sixth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

A. On the application of the Convention and the Protocol to nuclear energy issues

Mindful of the growing energy needs that call for diversification of energy sources, including the exploration of renewable energy sources,

Respecting the sovereign right of each Party to the Convention and the Protocol to make decisions upon its national energy mix, while protecting the environment and human health,

Aware that nuclear energy-related activities are being carried out or planned in the region and beyond,

Conscious that nuclear energy-related activities due to their nature can lead to significant transboundary and long-range adverse environmental impacts and imply special challenges due to great public concern and national interests,

Acknowledging that the Convention is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environment impact from proposed activities that include nuclear energy-related activities,

Acknowledging also that the Protocol is an essential instrument to ensure the assessment of the environmental, including health, effects of plans and programmes, and possibly also policies and legislation, that set the framework for future development consent for projects, including in the field of nuclear energy,

Recognizing that other international treaties and relevant international organizations play an important role in ensuring nuclear safety and security worldwide,

1. *Emphasize* that Parties to the Convention and the Protocol that carry out nuclear energy-related activities should do so only in accordance with the Convention and the Protocol, in a sustainable manner, taking into consideration the precautionary and polluter pays principles, and respecting international nuclear safety standards and relevant environmental legislation;

2. *Invite* all Parties to apply the Convention and the Protocol in the nuclear energy-related field in a consistent, cooperative and transparent manner, following all the procedural steps, and ensuring that a transboundary environmental impact assessment of planned activities and a strategic environmental assessment of plans and programmes are undertaken before the decision to authorize or undertake the activities is taken or the plan or programme is adopted;

3. *Also invite* all Parties to the Convention and the Protocol to ensure early, timely and effective consultations and public participation — when all options (including locational and technological alternatives for planned activities) are open;

[4. *Recommend* that the environmental impact assessment documentation should describe, identify and assess all the impacts of a nuclear energy activity [from its design, location, construction, commissioning, operation, decommissioning or dismantling phases

in a life-cycle analysis and assessment,] or [throughout the whole life cycle] taking also into consideration its impacts on climate and risks;]

[5.] *Invite* all Parties to the Convention to take due account of the outcomes of the transboundary environmental impact assessment procedure in the final decision on the proposed activity, including the environmental impact assessment documentation and the comments made by the authorities and public of the potentially affected Parties;

[6. *Consider* that if an activity needs upgrade works during its life cycle — following stress tests or other assessments — this should be considered as a change to the activity in question and be subject to the provisions of the Convention;]

[7.] *Encourage* civil society and all stakeholders to actively and constructively participate in the environmental impact assessment and the strategic environmental assessment procedures and share best practices in this regard;

[8.] *Recognize* the need to assist countries in the practical application of the Convention and the Protocol in the field of nuclear energy, and welcome the decision to elaborate good practice recommendations to support the application of the Convention to nuclear energy-related activities (decision VI/7);

[9.] *Emphasize* that close cooperation and improved mutual understanding of other Parties' practices and needs in the field of nuclear energy will facilitate the application of transboundary environmental procedures in full compliance with the Convention and the Protocol;

[10.] *Encourage* more effective cooperation between Parties and secretariats with all relevant international treaties as well as international organizations to maximize synergies and strengthen capacities with a view to ensuring the highest possible quality of environmental assessment documentation and level of safety in the nuclear energy field, especially stressing the importance of the treaties under the auspices of the International Atomic Energy Agency (IAEA), including in particular the 1994 Convention on Nuclear Safety;

11. *Recommend* that Parties to the Espoo Convention and its Protocol explore the IAEA Site and External Events Design (SEED) Review Service, in order to ensure that the best available option is selected for nuclear energy development.

B. On the global application of the Convention and the Protocol

Convinced that the Convention and the Protocol are effective instruments for fostering environmentally sound and sustainable development, and for supporting closer international cooperation also beyond the ECE region,

Recognizing the important contribution of both treaties to improving environmental governance and transparency in planning and decision-making, promoting public participation pursuant to principles 10, 17 and 19 of the Rio Declaration on Environment and Development[1] and convinced that they bring benefits also worldwide,

[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference*, resolution 1, annex I (United Nations publication, Sales No. E.93.I.8 and corrigendum), available from http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm.

Emphasizing that the Convention is the only international legal instrument requiring countries to notify and consult each other on activities under consideration that are likely to have a significant adverse environmental impact across borders,

Emphasizing also that strategic environmental assessment, in particular, is a key tool for integrating environment and health considerations into planning, policymaking and legislation, including related to greening the economy and climate change mitigation, for all the United Nations Member States alike,

Recognizing that strategic environmental assessment can help all countries achieve the Millennium Development Goal of integrating the principles of sustainable development into their plans, programmes and policies to ensure environmental sustainability,

Welcoming the increased interest in the Convention and the Protocol and the involvement of many non-ECE countries in activities within their framework,

Wishing to share the knowledge, practices and experience gained in the ECE region and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

Recalling that the Protocol provides for the accession of all United Nations Member States,

Recalling also decision II/14 of the Meeting of the Parties to the Convention of 27 February 2001 to amend the Convention's article 17 to allow for States outside the ECE region to become Parties to the Convention,

Aware that the 2001 amendment to the Convention must enter into force for all the Parties that were Party to the Convention at the time of the amendment's adoption for it to have effect,

Wishing to allow countries outside the ECE region to become Parties to the Convention and to the Protocol as soon as possible following a procedure for accession not differing from the procedure for accession by ECE member countries,

1. *Urge* all the States and organizations that were Parties to the Convention on 27 February 2001 that have not yet done so to ratify the amendment to article 17 as soon as possible;

2. *Call upon* all member States of ECE that have not yet done so to ratify and accede to the Convention, its amendments and the Protocol;

3. *Invite* other interested States that are Members of the United Nations to take steps to implement the two treaties with a view to a future accession;

4. *Emphasize* that, in order to reap the full benefit of the Convention and the Protocol, States must not only become Parties, but must also introduce all the necessary national measures, both legal and practical, to meet their obligations fully;

5. *Encourage* the Parties and Signatories to the Convention and the Protocol, as well as other United Nations Member States wishing to accede to the two treaties, to develop sufficient capacity for the Convention's and the Protocol's successful implementation;

6. *Recognize* that the successful implementation of the Convention and the Protocol depends in part on the relevant authorities having adequate administrative and financial capacity to comply fully with their requirements;

7. *Acknowledge* the need to raise awareness of the benefits of the Convention and the Protocol as well as to assist countries within and beyond the ECE region in their efforts to build capacities to effectively implement them,

8. *Call* for strengthening of cooperation with non-ECE countries interested in acceding to the Convention and the Protocol with a view to promoting mutual exchange of experience as well as the application of the two treaties beyond the ECE region;

9. *Call upon* Parties and encourage Signatories, other States as well as partner organizations and international financial institutions to coordinate their efforts in providing the appropriate technical assistance, as needed, notably for the development of legislation, and for building sufficient institutional capacity for the application of the Convention and the Protocol, in particular in countries in Eastern Europe, the Caucasus and Central Asia, as well as developing countries beyond the ECE region;

10. *Also invite* the secretariats of other relevant treaties, as well as international organizations, including other United Nations Economic and Social Council Regional Commissions and non-governmental organizations, to participate in and support the relevant activities under the Convention and the Protocol and to promote the application of the two treaties within their fields of competence;

11. *Further invite* civil society and all stakeholders to continue to assist with and contribute to the implementation and application of the Convention and the Protocol, noting that the meetings under the two treaties provide a platform for an exchange of views and information;

12. *Acknowledge* the role that international financial institutions and bilateral aid agencies play in mainstreaming environmental considerations into economic development throughout the world;

13. *Encourage* international financial institutions and bilateral aid agencies to ensure that their environmental assessment procedures are consistent with the Convention and the Protocol, notably in relation to their strategic planning and to investment projects with national and transboundary effects;

14. *Acknowledge* the importance of coordinated international cooperation among countries, governmental organizations and international financial institutions within and beyond the ECE region in assessing environmental, including health, effects, in particular in a transboundary context;

15. *Invite* the ECE Executive Secretary to continue to provide adequate secretariat support for the Convention and the Protocol and request the allocation of sufficient regular United Nations budget funds to ensure the stable and effective provision of secretariat functions, including to promote the implementation of the two treaties within and beyond the ECE region.